

**Minutes of the
HAZARDOUS WASTE REGULATIONS WORKSHOPS
Nevada Division of Environmental Protection**

September 27, 1999

Workshops were held on September 21, 1999 in Las Vegas and on September 22, 1999 in Carson City. Copies of the proposed state regulations and summaries of the federal rules to be adopted by reference were distributed to the attendees.

Jim Trent, of the Bureau of Waste Management made the following remarks:

1. The intent of the workshop is to provide an informal opportunity for the public to comment on the proposed regulations.
2. The proposed regulations will be presented to the State Environmental Commission (SEC) at their next meeting. The date for the next SEC meeting is tentatively set for the week of November 15, 1999 but may occur at a later date.
3. If proposed regulations are approved by the SEC in November, they become effective as state regulations when filed with the Secretary of State. This would probably occur in late December of 1999.
4. After the revisions to the adoption by reference of federal regulations are effective as state regulations, NDEP will submit an updated authorization application to the federal EPA. When that revised application is approved by EPA, Nevada will be authorized to enforce these regulations in lieu of the EPA.
5. The proposed revisions to NAC 444.8427, 84275, 850, 8632 and 9452 are required to update the adoption of federal hazardous waste regulations by reference. The adoption by reference time period has been extended from the usual July 1 cutoff date to July 6, 1999 so that the new federal hazardous

waste lamp rule may be adopted as soon as possible. The proposed revisions to NAC 444.843 and NAC 444.8452 are state-initiated changes. The 10% mixture rule is to be deleted from NAC 444.843 to make it more consistent with the generator definition of hazardous waste at NAC 444.8565. The proposed revisions to NAC 444.8452 are intended to clarify the fee requirements for management facilities.

The federal rules to be adopted by reference were reviewed.

Public comment is presented below. The NDEP response is shown in boldface.

1. Can the Post-Closure rule (63 FR 56710) be used to change the requirements at sites that are already permitted? **The new Post-Closure rule provides for the use of alternate state authorities to impose requirements on non-permitted land disposal units, but does not change RCRA closure/post-closure requirements. NDEP does not anticipate using the Post-Closure rule on permitted sites unless they fail to perform their post-closure requirements.**
2. Do hazardous waste lamps shipped as Universal Waste under the new federal rule (64 FR 36460) need a manifest? **Under the Universal Waste system, hazardous waste manifests need not accompany off-site shipments of universal waste. Transporters of universal wastes must , however, comply with any applicable Department of Transportation (DOT) requirements.**
3. If manifests are not required for universal waste shipments, are there still retention requirements for shipping records? **The universal waste rule includes a record keeping requirement to track waste waste shipments arriving at and leaving from large quantity handlers. Records must be retained for at least three years from the date of receipt of a shipment of lamps or the date a shipment leaves the facility. Small quantity handlers are not required to keep shipment records of universal waste lamps. The tracking**

provisions for small and large quantity handlers of universal waste are found in 40 CFR 273.19 and 273.39, respectively.

NOTE: As a result of discussion initiated at the workshops, the proposed revisions to NAC 444.4852 have been modified. The intent to clarify the language regarding fee payment remains the same.

A copy of the proposed regulations may be obtained by calling NDEP at (775) 687-4670 ext.3015 or they may be viewed and downloaded from the internet at <http://www.state.nv.us/ndep/admin/new.htm>.